p75

1920

File No. 155-20

Sh. No. 1-10

Holden

[G. S. IX-5]

Previous references.

P. No. 1422-21

File No. 155-20

Serial Nos. 1-10

1920

(police)

Later references.

Pol 99-22 (1 to 4) Pol 80-45-(3)

PVL 64-28, 1-5

Pol. 222-45-(1-2)

Pol. 210-48-1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Ten

Part B for August 1922

SUBJECT.

Appeal of the Lingayet community of Geraganballi Village Yelandur Taluk, against the order of the Dt. Magistrate, Mysore permitting the Servars of the place to conduct a marriage procession through the streets occupied by the Lingayets

8(8) To the D. C. Mysore Dt.
The I. G. of Police
The Magistrates of other Dts.

No. P. 78-87 of 5.7.22

Upholds the order of the district magistrate, Mysore in the present case and lays down the principles to adopted in future in granting licenses to conduct such processions.

WD 1888—GPB—16,826—23-7-21

8(10) To the I. G. of Police.

No. P 670 of 21-7-21

Returns certain records received from his office

Nazeer Ahmed 8/8/22

22825

F. R. S. 11] 1916-21

GENERAL AND REVENUE SECRETARIAT.

(PShu)

NOTES.

File No. 155-20

FILE HEADING.

Processions by Paivars of Veragamballi (Vlandar)

From

The residents of Veragamballi represented by Govindaka Ranjidasan Three Others.

No. Dated 22.4.21 Received 25.4.21

Diary No. 22825	Enclos. Plan etc	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Appeal against the order of the D.M. magistrate Nuwara Eliya District, granting the Paivars license to Conduct their marriage procession through the streets occupied by Lingayats

NOTES AND ORDERS.

A

The grounds of appeal are given in para 4 of the petition. A copy of G.O.N.W.P. 15597-608 dated 27.1.1919 laying down instructions in the matter of processions in public streets is herewith put up. Submitted for orders

A telegram since received praying for quick disposal of the appeal is placed in the file.

SBB 7/5

Police Magr regarding

SBB 7/5

7/6 NOTES—First Sheet.

AM 8/6

22625

G. R. S. III-2)

General and Revenue Secretariat. | Police File No. 155 of 1920

2(a)

Forever Procession case of Yeraganballi, Yelandur TK.

For hearing on 9.7.21 (3 P.M.)

Submitted the file in the subject.

It is learnt that the notices issued to the parties have not yet been received back served

7/7

by the counsel issued

(4 P.M.)

the parties [illegible] the case

the required records the case may be called for.

as well as the records regd.

9/7 by order A. Ramanna

D. M. 9/7

...ers complain in their appeal ... no notice was given to them ... when he dismissed the ... petition stating that the C.M.P. ... was ex-parte. ... in case of the Gymkhana ... proposed to be worked ... ing is to be before the 2nd Member ... he has no objn, this appeal ... to perhaps be heard on ... one day.

4) Submitted for orders.

D. M. 10/6

5) Yes. A date may be ... and the parties informed

Sd/

12/6. 22

Issue notices according ... the parties & on D. M. 10/6 order to the Tahsildar for their service have been returned.

SBB 22/6

Mr 28/6

9) Issued. Send the file D. M. with P.A. 24/6

G 24974 (2) 25/6

To Bailiff, Yelandur TK

Issuing the notices to the parties

3 P.M. on Saturday the 9th inst. will be convenient to the Members

Mr 2/7/21

NOTE—Contn. sheet.

825
120/121 of 1922 (3)

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 155 of 1922

	Serial No.	
To Hon. J. A. to show II has been dealt with & instructions noted. Para 4.	3	From the Amildar, Yelandur Tk No-6 dt 4.7.1921. Returns the notices duly served on the parties
	4	From Advocate Mr. A. Ramanna Petn dt 9.7.1921 Files an appeal on behalf of the petitioners Rampanna & others against the orders passed on 27.6.1921 by the D.M. Mysore
	5	From the Same Petn dt 9.7.1921. Files on behalf of the petitioners a petn praying for a stay order re grant of license & the intended marriage procession.
	6	Subh for perusal & orders. Fresh notices adjourning the case to the 22nd July 1921, an order to the Yelandur Taluk Amildar for their service & return are put up. A draft

NOTE.—Contn. sheet.

1921/230 (4

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 155 of 1921.

Serial No.	
	-letter to the D.M., Mysore Dist- calling for the connected records is also subd.
	11) Mano Sano to-day I think the D.A. & the Member told me that no notices are necy as the parties were personally informed of the date.
	12) Mano Vichy D. 14/7
Discussed & was told that notices were not necessary 14/7	
6	To the D.M. Mysore Dt. No 224 dt 14.7.1921 Calls for the records connected with the Parivar Procession case & Gera- sandalli Selection S.C. as well as that relating to the case of Manicheal Manimala and another in which the Amildar's report is being called for.
7	From the same. No. L.P. 3/920-21 d/ 16.7.1921 Forwards this office file & records relating to License petn No 3 of 1920-21 in connection with the above.
	13) Subd with reference to Membe

NOTE—Contn. sheet.

230.

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 155 of 1920.

Serial No.

minute d/ 9.7.21 on page 2(c).

Second number)

14) Appellants by Mr Ramanna
Ner produces Lr. No. (Sumvaan Nuv.)
Appeals heard
& order reserved.

P.A.
Please put up.
Lr. Collector
received in
connection with
appeal file.
23/7.

P.A.
Petn. of Lr.
Negus (Prosecutor)
Explanation under call up.

Petn. up-
to hear-

NOTE---Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | P&R File No. 155 of 1920.

Serial No.

15) The District Magistrate will report every case in which a person is prevented from exercising his rights of pasturage or other rights over any land by the threat of criminal force or criminal trespass. He will report whether the threat is made by a private person, whether it is made by a public servant, whether it is made by the police or by the forest officials. No evidence of any kind has been addressed in support of the contention and in fact the greater part of the inhabitants of the village are willing to withdraw their complaints if they can get a promise of their land in favour of the appellants. The contention is in their favour and the lands, and the houses in the village have been built by the ancestors of the present occupants and have been occupied by their ancestors for generations.

16) The District Magistrate will

NOTE—Contn. sheet.

General and Revenue Secretariat.

For File No. 155 of 19 21.

Serial No.

exercising his rights of his subjects which is based upon a recognition of his existing powers, which upon his case reported in 16 Magna Carta Report page 35. That case which affirmed his right of every citizen to go in procession through a public street lays down his limitations within which that right may be exercised. That it is settled law that his right can be temporarily suspended in order to prevent a breach of the public peace. Whether a breach of his peace will occur or not depends upon his character of his people and his resources in men and material which his local Magistrate may have to maintain law and order and it is therefore a matter within his discretion of his local powers. Instructions have been issued from time to time as to how his Magistracy and Police should exercise discretion when a breach of his peace is apprehended but in no case unnecessarily. The question of his power of interfering to prevent whether a breach of his peace will take place or not is whether his power is intended to be taken in his hands

NOTE—Contn. sheet.

(8

G. R. S. III-21

General and Revenue Secretariat.

Pol File No. 155 of 1920

230
8

Serial No.

for exercise of mercy or whether it is intended, simply to annoy or humiliate the Respectable parties. In the latter case there is every probability of the parties concerned to blows in spite of the precautions which the Magistrate and Police might take. In such a case the Magistrate will be justified in refusing the said demonstration which is provocative and mischievous to violence and they will not be wrong if they further the procession with a deployment strategy which it may be taken.

17) The view of the District Magistrate as to the loss is correct. In future when a license is asked for, the above principle may be borne in mind in granting or refusing the same.

Sd/-
15/6/22

18) Submitted for approval

Sd/-
17/6.

19) Draft Letter - 20) For approval

Sd/-
20.6.22

21) Approved

Sd/-
22/6

22) Letter issued

Sd/-
29/6

6208
29.6

NOTE—Contn. sheet.

R. S. III-2]

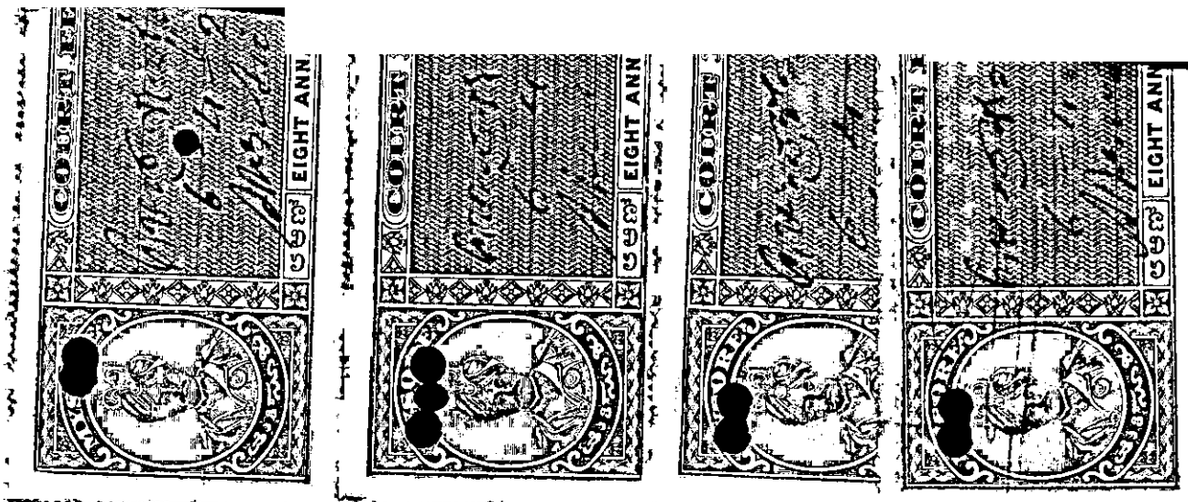
General and Revenue Secretariat.

PC File No. 55 of 1920.

Serial No.	
	23/Done-is 1/7/22 cay 1.7.22
8	Do The District Magistrate, Mysore & " I. G. of Police " Other Dist Magistrates P. 78-87 of 5.7.22 Lays down the principle to be kept in view in granting licences to conduct processions in public streets Mr. A. Ramanna, Adv for Petr. Mr. H. Srinivasa Murthi Adv for Respt. P. 88-9 15.7.22 Is copy of the above
9	From the D. M. Mysore Dt No 3/20-21 d. 13.7.22 Requests the return of the records in the matter. Subs with a draft for approval 18/7/22 Issue cay 19.7
10	Do The D. C. Mysore P. 370 d 21.7.22 Returns the records as desired in the ...

1922 JULY AUGUST

NOTE—Contn. sheet.



The Government of His Highness the Maharaja of Mysore

Bangalore. 22825

DIARY No. 2231 / 16

1921

1919 1921
SECTION Mw2
FILE No. 543-20
SERIAL No. 1

1:- (1) Gowdike Nanjedevaru, (2) Kempanna, (3) Gurubasetty and (4) Nanjappa. All residents and representatives of the Lingayats of Yeragamballi, Yelandur Taluk, Mysore District.

Vs.

Ranga Naika son of Bommana Sidda Naika and others, resident and representative of Parivars of Yeragamballi, Yelandur Taluk, Mysore Distt.

The petitioners abovenamed beg to submit as follows:-

1(1) The Parivars of Yeragamballi presented a petition on 1st December 1919 against the Lingayats of the place to the Amildar of Yelandur, praying that the Lingayats be prevent-ed from going in procession through the Mamool specified streets with band played by Holeyars, though admitting the rights of the Lingayats to go in procession with the Indian pipe (O'laga) played by Holeyars. This petition was dis-missed by the Amildar on 11th August 1920. The Order is filed herewith for reference.

(2) No appeal was filed by the Parivars against this order. But the Parivars Ranga Naika and others out of pure vindictiveness applied for a marriage license to go in procession through the sivachar street - which is not one of the mamool specified streets which is quite out of the way of any processions - quoting no previous instances in the matter. The Amildar referred the petition to the Police and also held an enquiry, in which the Lingayats exhibited

Court records of previous references wherein the Parivars themselves had applied for licenses clearly stating the Mamool insignia and the Mamool specified streets. The Amildar relying on this Mamool and also on four Government Orders of 1868, 1893, 1904 and 1906 (copies of which are also produced herewith) passed an order 11-8-1920 dismissing the application for license which was opposed to Mamool clearly observing that if Petitioners use as per mamool was applied for it would be *The order is herewith filed.*

The Parivars carried this order in Appeal Opponents:- to the District Magistrate who, (1) without issuing any notice to the Lingayats (2) without even probably reading the Amildar's order in full and (3) without even sending for records from the Amildar it would have thrown light on the question of the Mamool passed an Exparte Order on 20th ~~September~~ December 1920 granting the license.

(4)a The Petitioners humbly submit that this order of the District Magistrate if not only against the Mamool as has been in vogue in the village but is also opposed to the several orders of the authorities previously passed on such matters.

b. That the local officer(the Amildar Magistrate) after fully considering all the circumstances of the case rightly rejected the petition of the Parivars as being against Mamool.

c. The Lingayats did not and do not ~~xxxx~~ oppose as contended for in the Court ~~xx~~ below, the opponents to carry out processions according to Mamool.

d. That the order of the District Magistrate is not only against the long usage having the force of a local custom or *rule* of conduct in the locality

but is also opposed to the well being of the peace abiding people of the village and the neighbourhood.

e. That the exparte order of the District Magistrate without even issuing any notice to the petitioners is bad in law, erroneous and unjust.

f. The District Magistrate's order is further incorrect, defective and inapplicable in such broad turms to the locality concerned.

The District Magistrate makes reference only to the order of 1868 referred to the Amildar and observes that it is an old order and that times have since changed. has failed to notice the orders of Government quoted by the Amildar and dated 1893, 1904 and 1906.

The District Magistrate observes that "If once a license is granted and the Procession carried, further opposition will break down, forgetting altogether the local conditions of our villagers and keeping in mind only war instincts.

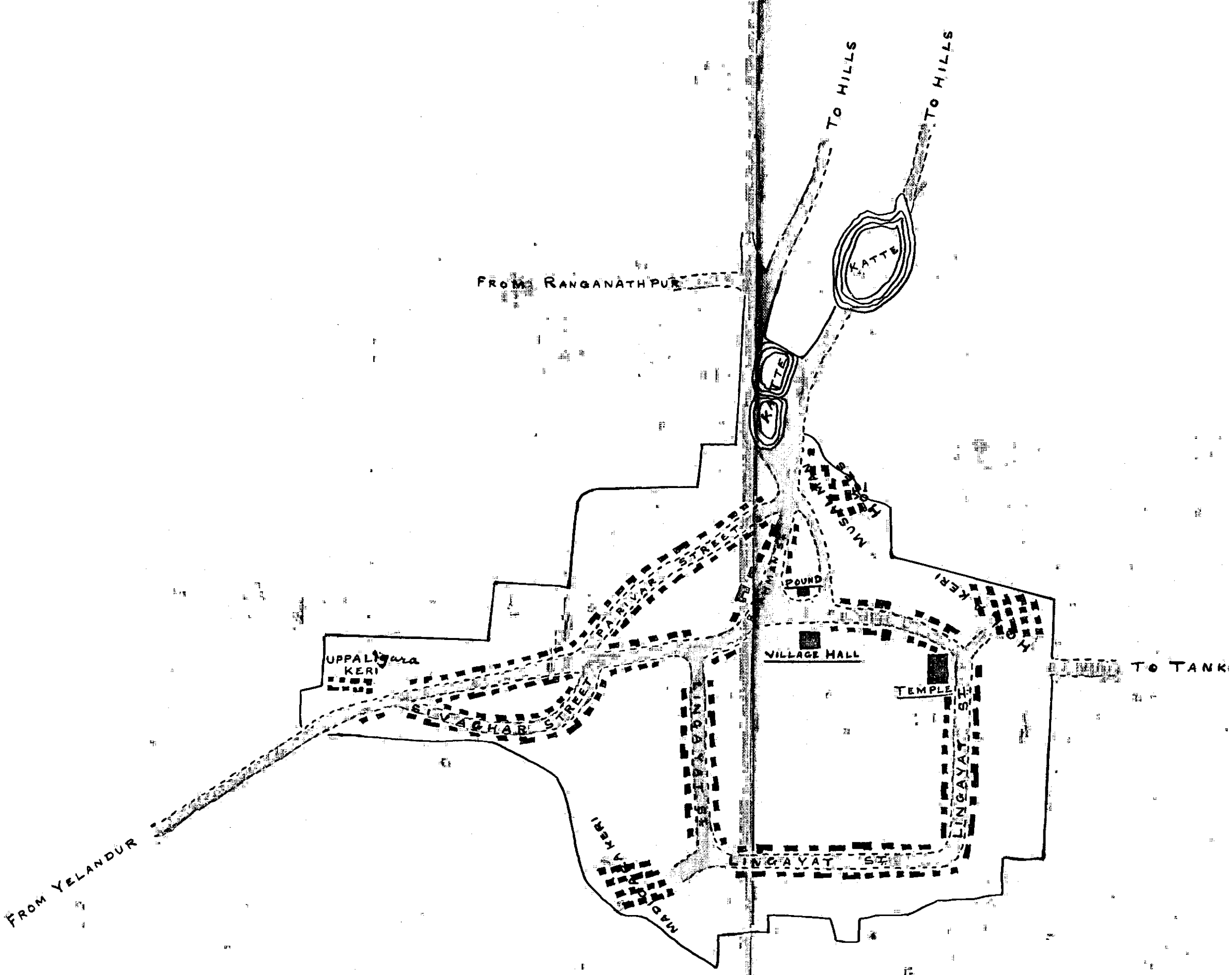
The District Magistrate quotes the decisions of the Chief Court 16 M.C.R.35. This decision as well as some other lose sight of the local condition of our villages. In these decisions no reference seems to have been made to the previous decisions of the Chief Court - especially 8 M.Y.S. L.R.172 in which Ramachandra Iyer, J, observes "In Mysore where old customs and usages as regards processions and use of insignia therein are keenly observed, it will be impossible to enforce the absolute principle of every man has a right etc, and the Courts have as a rule held that in cases of dispute the

13

the burdon of proving a right by mamool through streets of other communities should rest on the person assetting the same". Read also 13 M.Y.S.L.R.124. The Munsiffs finding that the Plaintiff is entitled to the use of insignia in common with any other cityzen is not correct. This doctrine in such broad terms is not only untenable and extremely mischievous in its consequences, especially in a country wherein greatly sentimental and religious importance is attached to the carrying of emblems. Plaintiff not having proved the special right his suit was dismissed.

Note:— The mischievousness of the attempt on the part of the Parivars to go in procession — quite out of their way and in the Lingayat's street - will be more than amply evident from the Sketch plan of the village, here to annexed.

22-4-1921.



SKETCH PLAN

OF

YERAGAMBALLI VILLAGE

TWO ANNAS

MYSORE

COURT FEE

MYSORE

EIGHT ANNAS

Page 1

In the court of the District Magistrate

Mysore District

Held this 20th day of Decr 1920

present. P. J. Bowring Esquire J. P.

District Magistrate

License petition No 3 of 1920-21.

petitioners. Opponents.

Rangarama and (1) Maridevaru

others pairvars of &

Yeraganiballi village (2) Kempiah and

Yelandur Taluk 45 others Liscachers.

(by Mr M. K. Krishna Rao,

pleader)

petition presented by the pleader

on behalf of the petitioners, appealing

against the order of the Amildar Magistrate

of Yelandur declining to grant license

to the petitioners to go in procession with

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music through the public Streets of Jeraganballi in Connection with a Marriage. After perusing the orders passed by the Amildar Magistrate on the 25th November 1920 and hearing the arguments of the petitioners' Counsel the following order was passed

order

No doubt in 1868 it was necessary to Strictly Confine Contending Castes to Recognised Mamool which was the Reason why Major T. M. McHutchin passed his order in his Case No 18 of 1868 directing the parties to do so. Times have very much changed Since then and it has been held by our Chief Court that the Right to go in processions through the public Streets

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Page 3.

is a Right inherent in every person provided he does not invade the Rights of property enjoyed by others, or cause a public nuisance, or interfere with the ordinary use of the Streets by the public &c &c Mysore Chief Court Reports Vol XVI page 35.

The only real difficulty that I feel in this case is the inaccessibility of Yedandur. It is a very out of the way place, and if we have to send any officers or men there to carry out an order it is not an easy affair However if once a license is granted and the procession carried through future opposition will probably be done down. The Amildar's order is therefore set aside and the Superintendent

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TWO ANNAS

MYSORE

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Page 4

of police is directed to issue instructions for the carrying out of the procession, and to take needful steps to see that no breach of the peace takes place. He will ascertain from the petitioners when the procession is to take place and take action accordingly.

The petitioners are directed to give the Superintendent of police sufficient notice.

Mysore
20.12.20.

(Sd.) P. J. Bowring
District Magistrate.

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1.4.21	2.4.21	20-4-1921.	—	-

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2.4.21	20-4-1921.	M Subbarao	

COURT FEE
MYSORE
EIGHT ANNAS
MYSORE
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19

1 page 8

In the matter of, the petition dated 20-4-1920 tendered by Ranganaika, son of, Bommana Siddanaika, praying for a marriage license to go in procession with insignia through all Government roads of Yergamballi.

Order.

The dispute between Lingayats and Toreyars or pariwars of Yergamballi in the matter of the former going in procession with Toreyars and through or, which was duly enquired into and decided in favour of the Lingayats as per their proved right in August last. Close upon the heels of the said decision came the present petition from Ranganaika who evidently in a fit of vindictiveness and at the instigation of his community applied for a marriage license being granted to him to go in procession through Government roads of Yergamballi with the insignia, and this

Order page 2

he did without any reference in his petition as to his community's manual processional route and without producing any previous license in support of his prayer as is invariably done in this taluk. The petition was of course referred to the police who enquired into the matter and reported that the petitioner's request was garmamul, or a deviation from the established custom, that the innovation sought for was regarded to be due to the existing hostility between Lingayets and pariwars and that license might only be granted as per mamul. With a view, however, to afford yet another opportunity to the petitioner to prove his case, if any, I held an enquiry; and four mahazer witnesses viz, 2 Loneyars or pariwars, one goldsmith and one madigar - all interested partisans given their statements which were all a deliberate lie from start to finish in the matter of the main

Order page 3

points at issue. While the petitioner and his interested witnesses contend that what the former has asked for is their Community's vested right it is significant that they have failed to produce a scrap of documentary evidence or at least to cite a single disinterested witness to speak in their behalf from their village consisting of, over 2,800 population distributed amongst as many as 12 or 13 different Communities. On the Contrary every petition presented for a license and every license accordingly issued from the taluk to Doreyars of Yerganbhalli indicate in most unmistakable terms the specific manul streets through which that Community has been going in procession from time immemorial. If the petitioner should nevertheless seek to abruptly break the manul, it is to all intents and purposes deliberately done, being pre-designed and inspired by

Order page 4

the rest of his community which is the strongest in the village, numbering about 836. The Doneyars may thus feel that they can will afford to Court or tumult and breach of Public peace. For, this wanton attempt on their part to deviate from the recognised manual is sure to be resented by Lingayets and other communities and the result will be rioting and violence.

Now a few words on the invicolability of manual scrupulously observed in this taluk and as strictly enjoined in standing orders of Government. It was so far back as in 1868 that such Communal disputes were finally set at rest by Major J. M. Mc Hutchins, the then District Magistrate, Mysore, whose orders have since regulated and standardised the principle underlying the grant of license for religious and social processions. In the course of

order / page 5

his orders in his case No: 18 of 1868 he was pleased to observe thus:- The parties are directed to conform strictly to mamool which the Amildar is hereby authorized to define. No one is permitted to depart therefrom unless by means of a regular civil suit." Since then particularly, the mamul is so well recognised, and so heartily acted upon by the taluk public here that there has been no trouble whatever during the past half a century except when rarely caused by mischief mongers of the petitioner's type. Again the same principle of mamul is found affirmed and re-affirmed in various government orders passed from time to time. "When in a town, two rival factions endeavour to thwart and annoy each other, it is a wholesome rule to maintain things in statu quo and to require the party which wishes to deviate from mamul to establish

Cover page 6

its right, if any, in a court of justice..... If such a rule be not observed by the executive officers of Government and if they hastily make a departure from Manool, the party at whose instance the departure is made, feels that it has secured a triumph and the other party feels humiliated and mortified. The feeling which is uppermost in the minds of the defeated party is that Government has yielded to clamour and that it has not acted with justice and firmness. It is dangerous to encourage in the minds of any section of the community a sentiment that Government is weak or partial. A policy of repression may, for a time prove successful but it is neither just nor conducive to public welfare.....(Vide extract from Government order No: Dr. H.O, dated Mysore 27th Feb: 1893) "Any wanton attempt on

~~the part of a mischievously inclined~~ individual or community should ~~certainly~~ be put down with a firm hand," (G.O. No. 4007 — Muz. Jr. 32-01 dt 24.6.1904) ... it is the duty of local officers not to allow any deviation from such manuel ... (G.O. No: 5096-103½, dt 5.5.1906).

In the face of such expres orders of Government and of the District Magistrate and in open disregard of the long existing manul it does not behave me to grant the license as prayed for by the petitioner Ranga Naika. Moreover to comply with one such case will be subversive of the long existing order of things, which has so materially helped to preserve public peace in the past. Hence the petition is rejected with option, however, to the petitioner to

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Order
&

apply for a fresh license as per manual.

25.11.1920. "Signed" M.S. Ramadasappa

2nd Class magistrate.

"

"True copy"

B.O

Narayana Rao

Jail Clerk.

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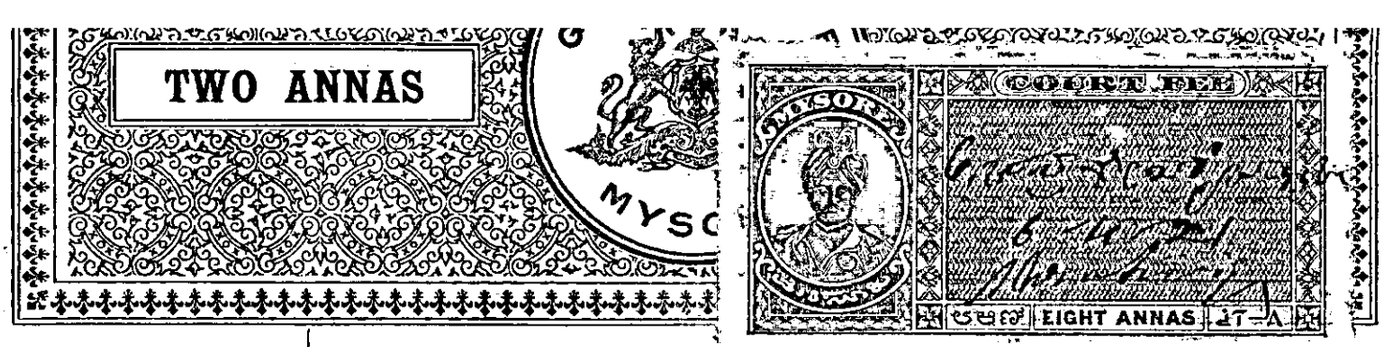
25-12-1920	25-12-1920	Narayanarao	Bolejiradanam



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1/8 folio

In the court of the Amildar magistrate of

Yelandur Taluk.

Dated 11-8-1920

Present Mr. M. S. Ramadasappa

Amildar magistrate

Petitioners	Counter petitioners
1 Marinaika	1. Veerabadradevaru
2. Honganaika	2. Maridevaru
3. S. Honganaika	3. Kempanna
4. Ranganaika	4. Lingappa
5. Doddamadanaika	5. Sidalingadevaru
6. Nanjanaika	6. Veerabadradevaru
7 Devanaika	
8. N. Nanjanaika	
9. Mallunaika	

COURT OF THE TALUK MAGISTRATE * YELANDUR * JAGHIR *

order

Marinaika and seven other pariwars of Yergandahalli village presented a petition on

1.12.1919, Complaining against patel Veerabhadra devaru and five other Lingayats of the same village that in Connection with the nuptials of the 5th Counter petitioner Siddalingadevaru's daughter, the Counter-petitioners Came in procession without license with baja or band played by Holeyars, which was objected to by them (petrs) and others as being gairmamul or contrary to existing practice whereupon the processionists stopped their music and went away saying that they would soon renew their performance in larger numbers and that enquiry should therefore be held, no license to be granted, and if one had issued the same should be cancelled. Four days later, ie on 5-12-19 the 5th Counter petr Siddalingadevaru applied for a license permitting him to go in procession with the band and other insignia through specified

COURT OF THE TALUK MAGISTRATE YELANDUR JAGHIR

TWO ANNAS

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MYSORE

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Page 3

Streets of Yergambhalli. Both these petitions were immediately referred to the Police Inspector for enquiry and report.

Instead of investigating the main point at issue, viz, whether the Lingayets had a right to go in procession with the Holeyas' band, the Police Inspector allowed his enquiry to be encumbered with a lot of irrelevant matter, and arrived at the conclusion favourable to the petrs, but unwarranted by the materials he had before him.

The point involved is after all very simple. For, the Parivars admit the right of the Lingayets to go in procession with music (Indian pipe or band) and other insignia through their Keri or street as claimed by the latter. They also admit that their opponents can on such occassions employ Holiyars to play the Indian pipe or nagaswara. But they object

COURT OF THE TALUK MAGISTRATE * YELANDUR * JAGHIR *

Page 4

to Holeyars being employed to play the baja or band as being unusual: In support of their contention the petitioners seem to rely mostly upon c.c. No: 123 of 1913-14 on the file of this taluk magistrate's court, in which one Gante malla a Holeyar resident of Honnur, who wanted to fetch the bride betrothed for his son went to Yergambhalli in procession with Holeyar's band which was stopped on account of the protest made by the same para war community: Thereupon the aggrieved party files a complaint under sec: 341 I.P.C. which was thrown out for want of evidence to prove the offence of wrongful restraint: This has obviously nothing to do with the point now in dispute as in the case adverted to above the party that sought to go in procession was himself a Holeyar, and not a Lingayet, and further had not arrived himself with any right or authority to exercise

COURT OF THE TALUK MAGISTRATE YELANDUR

Page 5

the privilege. Again the five witnesses who spoke for the present petitioners are found to possess no personal knowledge of the Holeyar's band having been engaged on three previous occasions ascertained for by the counter petitioners. From this it does not necessarily follow that the Holeyar's band had not been availed of in the past by the latter. While the Parivars have thus failed to satisfactorily prove their contention, the witnesses cited by the Lingayets speak from personal knowledge and bear testimony to Holeyar's band having been employed during Lingayet marriages, one of such witnesses being a band man employed on some such occasion, and the other the head man of the muhammedan community of Yergambhalli who actually took part in one of such processions. The police mahazer also bears out the existence of past precedent in

page 6

favour of the Lingayets. As for the mutual attempts of the contending parties to attribute motives to each others witnesses are equally fruitless. —

Though I have scarcely felt any doubt as to the Lingayets having had some precedent in which they engaged Holeyars to play the band during their marriage processions I would nevertheless assume for the sake of argument that they are non existent and proceed to examine the question on other merits. I confess that this is for the first time that I learn of an applicant for a marriage licence being required to employ this or that community to play music for him. So long as an individual or a community has his or its right to use a public street by parading it with music it ought to be no body's concern to question who plays the music, and all the more so,

OF THE TALUK MAGISTRATE * YELANDUR * COORG * JAGHIRE

Page 7

when the musician so employed is admittedly entitled to perform some variety of it. If Pariwars have no objection to Holeyars playing the Indian pipe or Nagaswaru for Lingayat, there should, in common fairness, be none to the same people playing the band for the same parties. For, when Lingayats avowedly enjoy the right of employing baja or band for their processions it is altogether a question of their own option as to whom they should engage for the purpose so long as the presence of such musicians is not interdicted by law or custom having the force of law. Again if barbers learnt the art of band play earlier than the Holeyars, is it incumbent upon the latter to remain in perpetual ignorance of it, or having acquired it, not to use it for their employers, because their forefathers did not or could not do it. If Pariwars nevertheless insist upon their cry of no Holeyars' band

THE TALUK MAGISTRATE YELANDUR JAGH

TWO ANNAS

GOVT OF MYSORE

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page 8

for Lingayets, all that I can say is that perversity cannot go any further. For it is tantamount to saying that the present day Holeyars should not add to their Knowledge as it a new art were a fountain sealed to them, simply because their ancestors did not or could not do so. If Lingayets were really asking for something which they were not entitled to, surely other communities in the village would not have so readily acquiesced in it as they have done. Why of all communities Pariwars alone should have raised a hue and cry against Lingayets is still a mystery to me. By conceding the point as prayed for by Lingayets I am satisfied that no manual is infringed and no disability imposed upon any one. Hence I reject the Pariwar's petition and grant the license to Lingayet in the manner asked for by them. "Signed" M. S. Ramaswamy

11.8.1920 "True copy" Amildar magistrate.

B.o Narayanarao
Jud Clerk

THE TALUK MAGISTRATE YELANDUR JAGHIR

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MYSORE

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EIGHT ANNAS

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COURT OF THE TALUK MAGISTRATE
BYRANDUR
JAGHIR

True copy

B. O.

Narayanarao

Jno. Clerk

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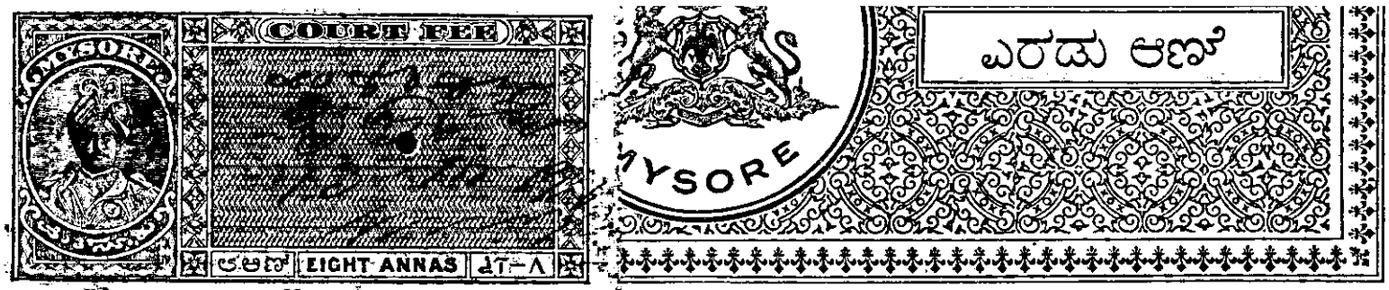
COURT FEE
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36

1 Pages

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TWO ANNAS

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MYSORE

37

page 2

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B.O

Narayanarao

Jud Clerk

COURT OF THE TALUK MAGISTRATE ✱ YELANDUR ✱

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38

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ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಶ್ರೀಮೆ ಮಹಾರಾಜರವರ ಗೌರ್ನಮೆಂಟ್ ಜನರಲ್ ಮತ್ತು ರೆವಿನ್ಯೂ
ಸೆಕ್ರೆಟೆರಿಯವರ ಕಚೇರಿಯಿಂದ.

ನಂಬರ್. ಕ 24974 (2) ಆ 25th June 21 ಫೈ: 8835/1293.

ಅಲ್ಲಳ್ಳಂದರು ತಾಲ್ಲೂಕು ಅಮೆಲ್ದಾರ್ರಿಗೆ ಬರಿಸಿ

ಕಳುಹಿಸಿದ ನಿರೂಪ ಅದಾಗಿ—

ಇಲ್ಲಿನ ಸಂ 1920—1921 ನೆ ಇಸವಿ ~~ಹುಟ್ಟಾಕಾಶಿ~~ ಅಬೀಲ್ ~~ಈ ನಂಬಿರು~~

ಅಲ್ಲಿ ಕ್ಷಾಕ್ಷಿಗಳ್ಳು — ಅಲ್ಲಿ ಜಿಲ್ಲಾ ವ
ನೌಕರ್ — ನಂ ಲೋದ್ಯವರು, ಕೆಂಪೆನ್ನು
ಪತ್ರ ಇನ್ನಿತರ ಅಂಶಾಉಳಕ ನಿವಾಸಿಗಳ್ಳು ಮೊಕದ್ದಮೆಯು ಕಕ್ಷಿಗಾರರು ಮೊರ್ಜಿನ್ನಲ್ಲಿ ನಮೂದಾದವರ

ಪ್ರತಿವಾದಿಗಳ್ಳು —
ಅಲ್ಲಿ ಕಂಳು ಳ್ಳಿಳ್ಳ ಅಲ್ಲಿ ಜಿಲ್ಲಾ ವ
ಕಂಪನ್ಯಾಉಳ ಕೆ ಅಲ್ಲಿ ಪತ್ರ
ಇನ್ನಿತರ ಪ್ರತಿವಾದನವಾಸಿಗಳ್ಳು ಹೆಸರಿಗೆ ತಲುಪಾಪಡಿ ನೋಟಿಸುಗಳನ್ನ ಇವರ ಪಸುರಡಾ

ಕಳುಹಿಸಿರುತ್ತೆ. ಕ್ರಮೆ ಪ್ರಕಾರ ಜಾರಿಯಿಂದ ಅಸಲ್ ನೋಟಿಸುಗಳನ್ನ ಕೂಡ್ಲೆ ಈ ಆಫೀಸಿಗೆ ವಾಪಸ್
ಕಳುಹಿಸತಕ್ಕದ್ದು.

ಬ ತಾರೀಖು 22 ನೆ ಮೇಪೆ ಜೂನ್ 1921 ನೆ

ಇಸವಿ, ದರ ಜಾಗಾ ಬೆಂಗಳ್ಳೂರು

By Order,

27.6.1921

Bmahadwapp
for Reo Secretary to Government,

ಅಲ್ಲಿಂಗೆ 552 ಕಳ್ಳಿ

GPB—500—13-8-19

ಅಲ್ಲಿಂದ ನಿಳ್ಳಿಳ್ಳಿಕೆಗಾಗಿ

ಕಳಿಸಿಲ್ಲಿಂದಲೂ ಅಲ್ಲಿಂದಲೂ ತಿಳಿಸಿಲ್ಲವೆಂದು ತಿಳಿಸಿಲ್ಲವೆಂದು

684/30-6-21

27-6-1921

4-7-1921.

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3-7-21

GEN & REV. SECTT.
11 JUL 1921
DIARY No....EZ..2

11 JUL 1921

ನೋಟಿಸ್.

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಶ್ರೀಮನ್ ಮಹಾರಾಜರವರ ಗೌರ್ನಮೆಂಟ್ ಜನರಲ್ ಮತ್ತು ರೆವಿನ್ಯೂ
ಸೆಕ್ರೆಟರಿಯವರ ಕಚೇರಿಯಿಂದ.

1910 —1911 ನೆ ಇಸವಿ ~~ಜೂನ್ ತಿಂಗಳು~~ ಅಪೀಲು ನಂಬರು.....

ಅಪೀಲು ವಾದಿ ಅಪೀಲು ಪ್ರತಿವಾದಿ

ವಿಷಯ.

ಮೇಲೆಕಂಡ ಅಪೀಲು ಪ್ರತಿವಾದಿ ಗೆ

ಅಪೀಲು ವಾದಿ ಸಹಾಯಕ ಕಮೀಷನರ್, ಕೊಪ್ಪಳ ವಿಭಾಗ

ಮೇಲ್ಕಂಡ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ~~ಕೋರ್ಟ್ ಆಫ್ ಕಮೀಷನರವರ~~ ಹುಕುಮಿನ ಮೇಲೆ ದಾಖಲುಮಾಡಿ ಇರುವ ಅಪೀಲು 1911 ನೆ ಇಸವಿ ಜುಲೈ ತಿಂಗಳ 9 ನೆ ತಾರೀಖಿನ ದಿವಸ ಶನಿವಾರ ಮಂಗಳೂರು ಮೊಕ್ಕಾಮಿನಲ್ಲಿ ನಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವದ್ದರಿಂದ, ಆ ದಿವಸ ~~ಪೂರ್ವಾಹ್ನ~~ ಅಪರಾಹ್ನ 3 ಘಂಟೆಗೆ ನೀವು ಈ ಕಚೇರಿಗೆ ಹಾಜರಾಗಬೇಕು.

~~ಈ ತಾರೀಖು 19 ನೆ ಮಾಹೆ ಈ ದಿನ 19 ನೆ ಇಸವಿ,~~

ಮೊಕ್ಕಾಂ ಮಂಗಳೂರು

By Order,
Mahadevayya
for Revenue Secretary.

GPB—1,000—8-8-11

41

2-7-21

ಫೋಟಿನ.

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಶ್ರೀಮನ್ ಮಹಾರಾಜರವರ ಗಾರ್ನಮೆಂಟ್ ಜನರಲ್ ಪ್ರೊಪ್ಲಿನಿಶ್ಯಿಂಗ್
ಸೆಕ್ರೆಟರಿಯವರ ಕಛೇರಿಯಿಂದ.

1910—1911 ನೇ ಇಸವಿ ಸುಪ್ರೀಂ ಅಪೀಲು ನಂಬರು.

ಅಪೀಲು ಪ್ರತಿವಾದಿ

ಅಪೀಲು ಪ್ರತಿವಾದಿ

ಹೈಕೋರ್ಟಿಗೆ

ನೀವು

ಹಜೂರಾಯಿಸಿದ 191 ನೇ ಇಸವಿ ಮಕ್ತುಮಿನ ಅಪೀಲು ಆರ್ಜಿಯು

191 ನೇ ಇಸವಿ ಮಾರ್ಚಿ ತಿಂಗಳ ತಾರೀಖಿನ ಆಜ್ಞೆಯನ್ನು

ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವದಕ್ಕಾಗಿ ಆ ಅಧಿವೇಶನಕ್ಕೆ ಕಳುಹಿಸಿ

ಗಜೀಕೆಯ

ಈ ತಾರೀಖು ಇದನ್ನೇ ಮಾಪೆ

191

ನೇ ಇಸವಿ, ಫೂಕಾಸ್ಟ್ ಪೆಶಸ್ಸಾಯಿತು.

By Order

Secretary to Government
Gen. & Rev. Department.

ಗ್ರಾಪ್ರ—೧೦೦—೧೯-೭-೧೩

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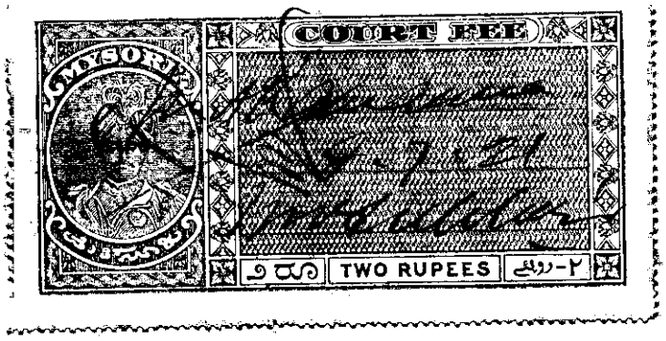


By Mr. Ramana Jyoti 9.7.21.

DIARY No. 1120.

In the Government of His Highness the Maharaja of Mysore

License as no: of 21-22.

PROTECTION BRANCH 11 JUL 1921

Petitioners and Appellants.
1. Kempanna
2. Venkappa
3. Gurubasavasetty
and other Sivachars residing at Yeriyamballi Yelandoor taluq Mysore District

Opponents and Respondents
1. Manikka
2. Hongannaka
+ others of the parivar caste residing in the same place.

The appellants beg to appeal against the order passed by the District Magistrate dated 27-6-21 granting license to the opponents to carry out marriage processions in Sivachar's streets i.e. in the appellants' streets in horse carriage with music etc.

The appeal grounds are:

Iyrapamballi village is not
a municipal town. Hundreds
of years ago when the village
was built by Konar or Pechen,
the Sivachars formed it in
one street and all the Sivachar
people built up their houses
under one system which forms
the characteristic feature of
the Hindu society. If any person
other than Sivachar entered
into that street which was
only with the special permission
and that too for their servants
and others who had dealings
with them. The streets which
they form for it is one street in
on the extreme a principle of
joint family system and are
all living equal as much as
for their own to their ex-
tent all the streets are narrow
... regulated by Sivachar com-
munity. It is touched by
Iyer called by karar excluded
by different communities
except of the other as the form
a long organized usage and
customs of which each

community happily lived & performed marriage processions in their own streets belonging to their community.

2. In 1919 December the parishioners of Veraparambali presented a petition against the Kingapets of the place to the Tirucadaiyar of Vellanattar praying that the Kingapets be prevented from going in procession through the mariod specified streets with band played by Malayars though acquitting the right of the Kingapets to go in procession with the Sudrian pipe (Nadaswaram) played by Malayars. This petition was dismissed by the Tirucadaiyar on 11th August 1920.

3. No appeal was filed by the Kaniyars against this order but the parishioners out of pure vindictiveness applied for a marriage license to go in procession through the Sivachari street which is not one of the mariod specified streets which is quite out of the way.

of any provision. They quoted no previous instances in the matter.

4. The Accidan referred to the police and also held an enquiry in which the hirepayers exhibited worthiness with previous instances where in the parivars themselves had applied for licence clearly stated the Maimool division and Maimool specified streets. The Accidan relying on this Maimool and also with 4 Government orders of 1868, 1893, 1904 and 1906 passed an order directing the licence application which was opposed by Maimool clearly observing that if a licence as per Maimool was applied for in their own streets it would be granted. The parivars carried this order in appeal no 3 of 2021 to the District Magistrate who, (1) without issuing notice and without even perusing for the records passed an ex parte order on 8th September 1921.

against this order of the District Magistrate the petitioners-appellants appealed to the Govt and that appeal is for hearing on 9-7-21 before the Govt.

The petitioner applicants in the above case was one Ranganaika.

(2) The said Ranganaika instituted the opponents who were also petitioners to apply for marriage license to carry out the processions in the appts' streets. The taluq Magistrate rejected the petition as being against manool and the opponents filed an appeal to the District Magistrate and the opponents' petition was sent to the taluq Magistrate for report. The taluq assistant Magistrate of Pollachi has exhaustively treated the subject and in highly learned elaborate terms reported that the petitioners out of mischievous motive want to go against the standing orders of the

Court, the long standing ~~ac~~-
-dress and well recognized
usages etc etc.

The District Magistrate has
~~ob~~objected the license for the
applicants also as her order
files herewith. The grant
of license is not justifiable
on the following reasons:-

a. The street is not a public
street and it is formed
by the privaleers themselves
for their own communal
conveniences and as
such the parawars have
no right to dress-pass
into such private streets
solely inhabited by the
privaleers and is in
an out of the way place
not connected with
any marriage procession
route of the parwars.

2. Privaleers who built their
houses forming roads
out of purely extended
premises of joint family
systems on the bases
of communal con-
-veniences.

town

It is not an act of discretion
which is an official pressure
to the evil of the sellers of
intoxicants and vanity who
want to force their marriage
processions into the private
streets occupied by the
peaceable people and thus
mar the happiness for the
sake of avoiding private an
inconvenience.

It is highly inadvisable
to adopt such a policy
Granting license is opposed
to karmas between com-
munities and long standing
and well recognized usages
in localities and it encourages
the vanity of persons who
invade the rights of others
for the purpose of creating
misery in quiet public and
law abiding people.

The learned District Magte
has not considered the
several standing hints
and principles as also
the most cardinal

[illegible] in this regard.

8. The applicants humbly submit do not oppose the opponents to carry out processions according to law.

9. Any information that must come from the vast majority of the people and it is an innocuous principle to force things in the form of resolutions.

10. The order of the District Magistrate is not only depriving image the force of law but it is also opposed to the well being of the peace abiding people of the village and the neighbourhood.

11. The District Magistrate's order is further incorrect and inapplicable to the locality concerned.

12. Circumstances which have not been given in support of the order passed.

13. That the applications of the parwars is one

that should be rejected
wherefly because they
have not proved the threat
right they vaunt.

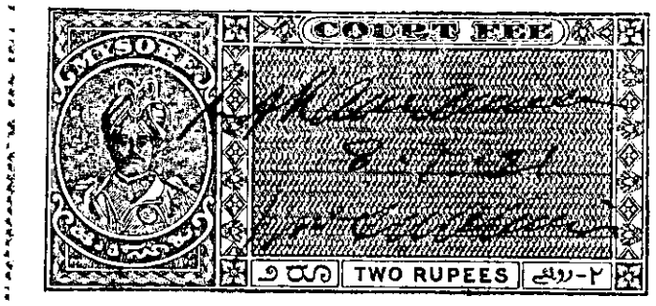
Adams

9.7.21. Adv re date
for appts

The records of this case together with
the Omnibus Report called for
C.G. also the records of in which the
Parwans dismissed with the Swachers
with the Holgar Band ought be sent for

Adams
etc Forfeits

The connected appeal of Ramsamach
Yerajan Lakhi Swachers vs Parwan
Ramsamachs for hearing for the
23rd Inst before 2nd Councillor
for this appeal also Inspector of the
Land's date Adams



53

In the Court of the Munsiff

OF Mysore

License CASE NO. OF 19 21 19 22

Applts 1 Venkappa 2. Kempamma & others	VS	Respts Narasimha & others

1 We the Applts above named do, by these presents retain Mr. A. RAMANNA Advocate..... ....

to appear for and conduct the above case on our behalf to Judgment.

2. We further empower him to execute any decree, or order that may be passed in our behalf, and to receive, from court such sums of money as we may be entitled to get and to grant receipts therefore.

3. We also undertake to confirm and ratify all the legal acts done by the said Lawyer in so doing.

ನಾವೆಲ್ಲರೂ
ಹಿಂದೆ ಹೇಳಿದಂತೆ

Dated 8.7.21 191 .
Accepted

Advocate for Applts

Signed before me and personally known to me

Advocate for Applts

Kohinur Press, Mysore.—16—2—1914.

54

Deputy Commissioner's Office

Mysore District, Dated Mysore

24th June 1921.

Page 1

Read: (1) Petition dated the 30th May

1921, presented by Sri D. Ramanna

Advocate on behalf of Hemparna

and other Lingayats residing at

Yeraganballi, Yelleandur Taluk

praying that the permission granted

to the Panisvars for taking their bridal

pair in procession through the

Sireachar's Street, as ordered in this

Office License Petition No 3 of

1920-21 dated the 20th December 1920

may be withheld pending

disposal of the petition of appeal

filed by them before the Government.

(2) Petition dated the 24th June 1921,

TWO ANNAS

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MYSORE

55

presented by Mr. M. K. Krishnadas
Pleader on behalf of Marisiddha
and others of Parivara caste,
Yeraganballi village Yellandur
Taluk, requesting that the Parivaras
may be granted license to take
their marriage procession in
the Sirachair's street, and necessary
instructions issued to the Police
in the matter

(iii) Report No 352 dated the 30th
May 1921, from the Amildar Magis-
trate, Yellandur Taluk on the subject

Order:

Ref application of the Parivaras
of Yeraganballi to take a marriage
procession in the Sirachair's street.
I have already passed Orders

TWO ANNAS ಎರಡು ಆಣೆ MYSORE

in a similar matter on the 20th December 1920, and the procession was carried out. In this particular case I instructed the Amildar to grant a license on 16-5-21. This, he does not appear to have done and on 26-5-21 on a further petition the Amildar was instructed that if he wanted the help of the Police to carry out the procession he should let the Superintendent of Police know in good time. I see no reason to alter the opinion I have already expressed and the Amildar may carry out the procession obtaining the

TWO ANNAS

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MYSORE

assistance of the Head Quarter Police if he is not able to manage the affair with his local Police.

Mysore
24/6/21

Sd/- P. Ye. Bowring
District Magistrate

Copy.

By Order
A. Ramachandra Rao
Judicial Head Munshi
Deputy Commissioner's Office
Mysore

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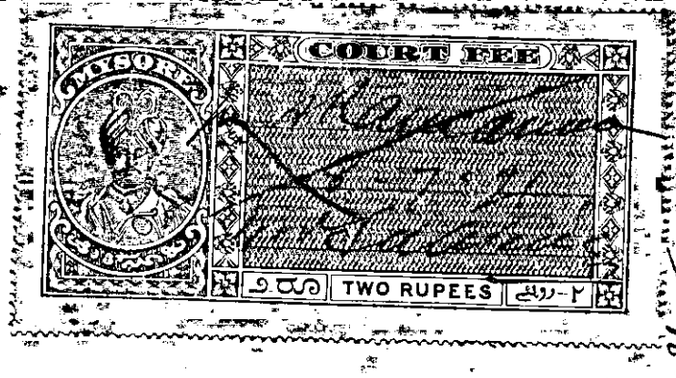
30/6/21	1/7/21	M. T. Sreenivasa	



Zonal Officer
III
PROTECTION BRANCH
11 JUL 1921

The Government of His
Highness the Maharaja
of Mysore

vs

Petitioners - 1. Kunchacha
2. Nanjappa
3. Gurubasava-
Setty
4 Other Savakars
residing at
Virajapurabadi
Yellandoor
Taluq

Opponents - 1 Marinacha
2. Kunjanacha
3 Other persons
residing in
the same place

The petitioners want for
direction staying the grant
of license and staying also
the intended marriage between
as per order of the District

Filed on 7/21
by Sri Ramana
Advocate

Q. 12
g
els
155-20
5

Q. 7.2

Magistrate hearing the dismissal of the appeal petition filed by the appellants petitioners

The reasons are:-

1. The dismissal of the appeal grounds justifies in order to stay the execution of the order of eviction against the

2. The street is not a public street. It is out of the way to the parliament street where the Rwandan community could meet because they left home and share for their communal conveniences.

3. The grant of license to parliament as against the would simply satisfy vanity would be allow them to invade the right of the Rwandan community

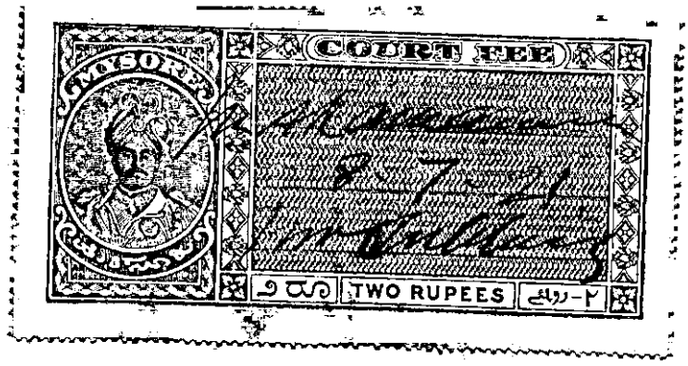
4. The order is opposed to the order of the court passed in 1868, 1893, 1904 and 1906.

5. The order in question

60 10. cents a invocation called
not heard by . . en-

C. Lewis
Advocate for
petitioners

1



In the Court of the Govt

OF Mysore

License Ab CASE NO. OF 19 21 19 22

Apptt 1 Venkappa 2. Kempanna Others	VS	Respts Ramanaiah Others

1 We the apptts above named do, by these presents retain Mr. A. RAMANNA Advocate..... ....

to appear for and conduct the above case on our behalf to Judgment.

2. We further empower him to execute any decree, or order that may be passed in our behalf, and to receive, from court such sums of money as we may be entitled to get and to grant receipts therefore.

3. We also undertake to confirm and ratify all the legal acts done by the said lawyer in so doing.

ನಂಜುಂಡಪ್ಪ
ಕೆಂಪಣ್ಣ

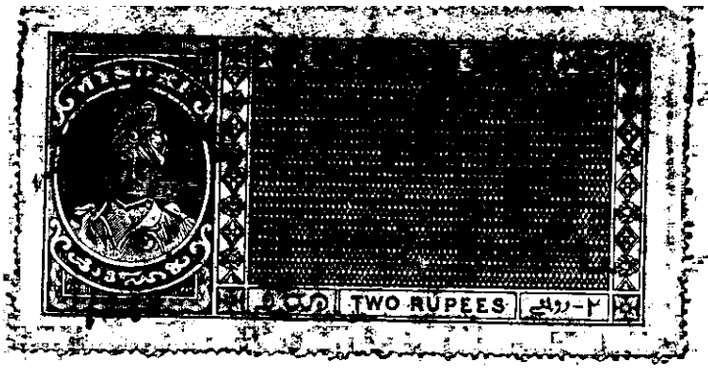
Dated 6.7.21 191 .
Accepted

Advocate for apptts

Signed before me and personally known to me

Advocate for apptts

Kohinur Press, Mysore.—16—2—1914.



62

Before the Govt. of H.H. the
~~In the Court of~~ Maharaja of Mysore
ಕೋರ್ಟಿಗೆ.

19[illegible]—19[illegible]ನೇ ನೆಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜೀದಾರ್ ಪ್ರತಿವಾದಿ ಯಾ ಅಪ್ಪೋನೆಂಟ್.

Mariolevariu (dead) & Lempaya & others. } ವರ್ಸಸ್ { 1. Rangaiah 2. Devanaika

ಮು॥ರಾ॥

ಎಚ್. ಶ್ರೀನಿವಾಸಮೂರ್ತಿ ಬಿ.ಎ., ಎಲ್ಎಲ್. ಬಿ. ಅಡ್ವೋಕೇಟ್ಯವರಿಗೆ.

Respondents ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಅಜ್ಜೈರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸುವದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯುಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ ಅಲ್ಲದೆ, ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದ ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಒದ್ದನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು 9/7/21 ರುಜು [illegible]

[illegible]

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿರುತ್ತಾರೆ.

[illegible]

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

H Srinivasa Murthy

G. R. S. VI—G/32]

63

SUBJECT.....

.....

.....

.....

Diary No. of letter replied to.....

Section Police
File No. 155–20
Serial No. 6

GENERAL AND REVENUE SECRETARIAT
(Police)
, the 191 .

No. G. 227

Date of issue 14/7/21

Signed by PM

To

The District Magistrate,
Mysore Dist.

Sir,

I am directed to request you to be so good as to forward for the perusal of Government your office file of records connected with the Parivara Procession case of Yenagambalu Yelandur Taluk, as well as that in which the Amildar's report is being called for. Note.

An appeal in this connection is posted for hearing to Saturday the 23rd July 1921 and I am to add therefore that the above-said records may be transmitted as early as possible.

I have &c.

for Dep. Secy

Ref. to the case of Maniamma and another

before the 2nd Mysore Commr

In the Court of the 2nd Councillor
Bangalore
Licence Appeal No of 1920-1
Yaranjemboy Swachers vs Rengaranka
Memo filed by the Appellants:-

Connected case, record of Mampark & another
in which the auditor's Report called for by the
District may be sent for, as permitted
by the Counsellor. The record is with the
Deputy of Mysore.

9/7/921

P No. 3/20-21 230 g

Police 155-20-1

Revenue

(64

Office of the District Magistrate,

Mysore District.

Dated, Mysore, 16th July 1921.

From

P.F. Bowring, Esquire,

District Magistrate,

Mysore District.

To

B. Ramaswamaiya, Esquire, B.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department, Bangalore.

Sir,

With reference to your letter No.J.227 Pol.155-20-6 dated the 14th instant, I have the honor to forward herewith this office file of records relating to License Petition No.3 of 1920-21 in connection with the Parivar procession case of Yeragamballi, Yelandur Taluk, and to state that the correspondence relating to the application of Mari Naika and the Amildar's report No.352 dated the 30th May 1921 are also contained therein.

I have the honor to be,

Sir,

Your most obedient servant,

P F Bowring

District Magistrate,

Mysore District.

2054

f 230
9

From

The District Magistrate,
Mysore District.

To

The Reverse Secretary to Govt
of Mysore, Bangalore.

Dated 16th July 1921.

Despatched

Received 18 JUL 1921

General No. 2.P.No 3/20-21

No.

Enclosure No. Reports

Forwarding the records relating to his year agamboli paiwar proceedings file.
4-55 p.m.

JR
19/7/21

CHIEF PROTECTIVE 19 JUL 1921

G.R..S VI G 34] 2M

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* 192

Date of issue 5/7/21

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section Pol

File No. 55-20

Serial No. 8

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

1) Petition dated 22.4.21 from the Lingayat residents of Yeragambalu Taluk represented by Gowdike Manyadevaru and two others, appealing against the order of the Magistrate, Mysore, refusing the Parwana of the Head to conduct a marriage procession through the streets occupied by the Lingayats

Order Thereon No.

2) Correspondence ending with G.O. P 1083/T 20-21 dated 6.4.21 from the District Magistrate, Mysore, forwarding the records connected with the above case.

Order No.

Cadan No:- 878-87

Ven a full consideration of the grounds urged for and against the grant of permission to the Parsians to conduct their marriage processions through the streets occupied by Lingayet Govt are pleased to observe as follows:-

1. That contention that the street is not a public one, that it belongs to the Lingayet Community and that the Parsians have no right to go in procession in that street without the consent of the Lingayets is not supported by evidence ~~of any kind~~ and as to the fact that the quarter is inhabited chiefly or wholly by the Lingayets raises no presumption of the kind in their favour. ~~It is further~~ The contention is on the face of it untenable since the houses in the street may change owners and the quarters now inhabited by the Lingayets ~~might~~ may become in course of time the quarters of other communities

List of enclosures.

2. That District magistrate in reversing the order of the Amildar Magistrate which is based upon a recognition of the existing manool relies upon the case reported in 6 Bombay Chief Court Report page 35. That case while

Copied by

Examined by

WD 1883—GPB—1,000,00—21-12-21

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

a 1

the right of every citizen to go in procession through a public street lays down the limitations within which that right may be exercised. It is settled law that the right can be temporarily suspended in order to prevent a breach of the public peace. Whether a breach of the peace will occur or not depends upon the character & temper of the people and the resources in men and material which the local magistrates possess to maintain law & order, and it is therefore a matter entirely within the discretion of the local officers. Instructions have been issued from time to time as to how the magistracy & the Police should conduct themselves when a breach of the peace is apprehended, but they are not exhaustive

GPB—20,000—7-7-14

One of the surest indications as to whether a breach of the peace will take place or not is whether the procession is intended to be taken in the bona fide exercise of one's rights or whether it is intended simply to annoy or humiliate the opposite party. In the latter case there is every probability of the parties coming to conflict in spite of the precautions which the magistracy and the Police might take. In such a case the magistracy will be justified in refusing their aid to a party whose avowed object is provocation and incitement to violence and they will not be wrong if they prohibit the procession or prescribe a different route by which it may be taken

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

The order of the district magistrate so far as it goes is correct. In future when a licence is asked for the above principle may be borne in mind in granting or refusing it.

Dy 28/6.

Dy 2/6

for final copy

Do

One district magistrate, Mysore, one D.G. of Police & Non district magistrate copy to P.S.

P.S. Ramanna Advocate for the Mysore Applicant

P.S. to Srinivasa Murthi Advocate for the Respondents Bangalore.

Print & S.O.

Date 20.9.22

Addl 2/6

Government of his Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 78-87- Pol. 155-20-8, dated 5th July 1922.

Processions in public streets.

Lays down the principle to be kept in view in granting licenses to conduct

READ—

Petition dated 22nd April 1921, from the Lingayet residents of Yeragamballi, Yelandur Taluk, represented by Gowdike Nanjadevaru and three others, appealing against the order of the District Magistrate, Mysore, permitting the Parivars of the place to conduct a marriage procession through the streets occupied by the Lingayets.

2. Correspondence ending with J. P. No. 31-J. 20-21, dated 16th July 1921, from the District Magistrate, Mysore District, forwarding the records connected with the above case.

ORDER No. P. 78-87—POL. 155-20-8, DATED 5TH JULY 1922.

On a full consideration of the grounds urged for and against the grant of permission to the Parivars to conduct their marriage processions through the streets occupied by Lingayets, Government are pleased to observe as follows:—

The contention that the street is not a public one, that it belonged to the Lingayet community and that the Parivars had no right to go in procession in that street without the consent of the Lingayets, is not supported by evidence and the fact that the quarter is inhabited chiefly or wholly by the Lingayets raises no presumption of the kind in their favour. The contention is on the face of it untenable since the houses in the street may change hands and the quarters now inhabited by the Lingayets may become in course of time the quarters of other communities.

The District Magistrate in reversing the order of the Amildar Magistrate, which is based upon a recognition of the existing *mamool* relies upon the case reported in 16 Mysore Chief Court Report page 35. That case while affirming the right of every citizen to go in procession through public street, lays down the limitations within which that right can be exercised. It is settled law that the right can be temporarily suspended in order to prevent a breach of the public peace. Whether a breach of the peace will occur or not depends upon the character and temper of the people and the resources in men and material which the local Magistrates possess to maintain law and order, and it is therefore a matter entirely within the discretion of the Local Officers. Instructions have been issued from time to time as to how the magistracy and the Police should conduct themselves when a breach of the peace is apprehended but they are not exhaustive. One of the surest indications as to whether a breach of the peace will take place or not is whether the procession is intended to be taken in the *bona fide* exercise of one's rights or whether it is intended simply to annoy or humiliate the opposite party. In the latter case there is every probability of the parties coming to conflict in spite of the precautions which the magistracy and the Police might take. In such a case the magistracy will be justified in refusing their aid, to a party whose avowed object is provocation and incitement to violence and they will not be wrong if they prohibit the procession or prescribe a different route by which it may be taken.

No. P. 78-87—Pol. 155-20-8, dated 5th July 1922.

The order of the District Magistrate, so far as it goes, is correct. In future when a license is asked for, the above principle may be borne in mind in granting or refusing it.

B. VENKOBA RAO,
Secy. to Govt., Genl. Dept.

To—The District Magistrate, Mysore District.
The Inspector-General of Police in Mysore.
The other District Magistrates.

Exd.—C. R.

G. R. S. III-2]

General and Revenue Secretariat.

No. of 19

Serial

2.P No. 3 2021

2488 P

OFFICE OF THE DEPUTY COMMISSIONER,& District Magistrate, MYSORE DISTRICT,

01398 *Dated, Mysore,* 13th July 1922. 192

155-20-9

From

P.F. Bowring, Esq.,
Deputy Commissioner, Mysore District.

To

B. Venkoba Rao, Esq., B.A.,
Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.
General Department.

SIR,

With reference to G.O. No.P. 78-87/Pol. 155-20-8 dated the 5th July 1922, passing orders in the matter of the Pariwars conducting their marriage processions in the Yeragamballi village of the Yelandur Taluk, I have the honor to request that the records relating to the subject forwarded to Government with this office No.L.P.31/J.dated the 16th July 1921, may be returned to this office for reference.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Mysore District.

G. R. S. VI—G/32]

15

SUBJECT.....

.....

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Diary No. of letter replied to—

Section police

File No. 155-20

Serial No. 6 10

General and Revenue Secretariat

( )

, the 19

No. 6620 file

Date of issue 24/7/22

Signed by M' Cal.

To The D: M: Mysore D[C]

Sir,

I am directed to
turn herewith the rece
relating to the pariwar
conducting their marr
processions in the Jeraga
balli village of the Yelan
Taluk as desired in Re
letter no 3/20-21 dated 7
July 1922 — I have el
— cur —

over.

9.7 for Gl Secy to